



Federal Communications Commission
Washington, D.C. 20554
DA 06-201

January 31, 2006

Robert B. Kelly, Esq.
800 MHz Transition Administrator, LLC
c/o Squire Sanders & Dempsey L.L.P.
1201 Pennsylvania Ave., N.W.
Washington, DC 20044

RE: 800 MHz Transition Administrator Rebanding Timetable (WT Docket No. 02-55).

Dear Mr. Kelly:

Under the terms of the *800 MHz R&O* and subsequent orders (collectively, *Rebanding Orders*), the Transition Administrator (TA) is responsible for establishing the schedule for the 36-month 800 MHz band reconfiguration process.¹ Pursuant to this authority, the TA has promulgated a region-by-region schedule, which was approved by the Wireless Bureau on March 11, 2005.² However, as the negotiation process between Sprint Nextel (Sprint) and other 800 MHz licensees has gotten under way, some parties have expressed concern that the TA's timetable does not adequately take their concerns into account and should be modified.³ In order to ensure that the rebanding schedule treats all parties equitably and furthers the Commission's goals in the 800 MHz rebanding proceeding, we offer the following guidance to the TA with respect to potential modification of the timetable:

- ◆ The *800 MHz R&O* invests the TA with responsibility for monitoring the schedule and resolving schedule delays.⁴ Pursuant to this authority, the TA has broad discretion to adjust the rebanding schedule as circumstances warrant, and to grant individual requests for modification of deadlines for good cause, so long as its actions do not alter the deadlines and milestones established by the Commission in the *Rebanding Orders*, e.g., the 36-month date for the conclusion of the rebanding process.
- ◆ We direct the TA to consider and act expeditiously on requests submitted to it for adjustment of the schedule or modification of individual deadlines. To the extent that such requests fall outside the scope of the TA's discretion, the TA should promptly refer them to PSCID.

¹ See Improving Public Safety Communications in the 800 MHz Band, *Report and Order*, WT Docket No. 02-55, 19 FCC Rcd 14969 (2004) (*800 MHz Report and Order*) ¶ 195.

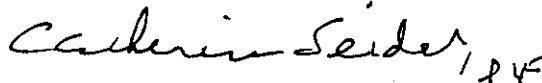
² See Wireless Telecommunications Bureau Approves the Basic Reconfiguration Schedule Put Forth in the Transition Administrator's 800 MHz Regional Prioritization Plan, *Public Notice*, DA 05-619, released March 11, 2005.

³ See, e.g., Letter from Lawrence R. Krevor, Vice President – Spectrum, Sprint Nextel Corporation, to Catherine Seidel, Acting Chief, Wireless Telecommunications Bureau, December 1, 2005; Letter from Carol Aron, RCC Consultants, Inc., to Catherine Seidel, Acting Chief, Wireless Telecommunications Bureau, December 21, 2005; Letter from Gregory Ballentine, President, Association of Public-Safety Communications Officials-International, et al., to Catherine Seidel, Acting Chief, Wireless Telecommunications Bureau, January 12, 2006.

⁴ *800 MHz Report and Order* ¶ 196. The TA may also refer such issues to the Public Safety and Critical Infrastructure Division (PSCID).

- ◆ The 800 MHz R&O provides that at the conclusion of the 30-day period for mediation of frequency relocation disputes, the TA shall within ten days refer issues that have not been resolved in mediation to the Chief of PSCID, along with the recommended decision or advice of the mediator.⁵ In connection with this referral, the mediator has discretion to recommend that the parties be given a reasonable additional time period to allow further negotiations under mediation, if the mediator believes the extension will facilitate the reconfiguration process and not cause unreasonable delay. For any case that is unresolved at the conclusion of the Wave 1, Phase 1 mediation period, we direct the TA in its referral to indicate whether additional time for negotiation is recommended by the mediator.
- ◆ Also at the conclusion of the Wave 1, Phase 1 mediation period, the TA shall provide the Wireless Bureau with its assessment of whether adjustments should be made to other elements of the TA's rebanding schedule. This assessment should include analysis of whether: (1) changes should be made to the scheduled start of negotiations for future waves; (2) particular NPSPAC regions should be moved from one wave to another; (3) the schedule should be adjusted to accommodate negotiations between Sprint and public safety entities concerning planning funding; and (4) the schedule should be adjusted to accommodate negotiation between Sprint and EA licensees who file new or modified elections in the 20-day election window announced by the TA on January 11, 2006.

FEDERAL COMMUNICATIONS COMMISSION



Catherine W. Seidel
Acting Chief, Wireless Telecommunications Bureau
Federal Communications Commission

⁵ *Id.* ¶ 194.